

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,

Debtor.

Chapter 9
Case No. 13-53846
Hon. Steven W. Rhodes

**RETIREE ASSOCIATION PARTIES' FIRST SET OF
INTERROGATORIES TO THE DEBTOR CITY OF DETROIT,
MICHIGAN**

Pursuant to Rules 7033 and 9014 of the Federal Rules of Bankruptcy Procedure and this Court's Third Amended Order Establishing Procedures, Deadlines and Hearing Dates Relating to the Debtor's Plan of Adjustment, the Retired Detroit Police & Fire Fighters Association ("RDPFFA"), Donald Taylor, individually, and as President of the RDPFFA, and the Detroit Retired City Employees Association ("DRCEA") and Shirley V. Lightsey, individually, and as President of the DRCEA (collectively "Retiree Association Parties"), through their counsel, Lippitt O'Keefe Gornbein, PLLC and Silverman & Morris, P.L.L.C., hereby propounds its First Set of Interrogatories upon the Debtor City of Detroit, Michigan ("City" or "Debtor"), requesting the Debtor's responses on or before April 25, 2014.

DEFINITIONS

1. The term “Affordable Care Act” means the Patient Protection and Affordable Care Act, Public Law 111-148, 111th Congress, 42 U.S.C. §§ 18001, *et seq.*

2. The term “Amended Disclosure Statement” means the “Amended Disclosure Statement with Respect to Amended Plan for the Adjustment of Debts of the City of Detroit,” Dkt. No. 3382, filed on March 31, 2014.

3. The term “City” or “Debtor” means the City of Detroit, Michigan.

4. The term “Committee” means the Official Committee of Retirees appointed in the Bankruptcy Case.

5. The term “communication(s)” includes every manner of transmitting or receiving facts, information, opinion, or thoughts from one person to another person, whether orally, by documents, writing, electronic mail, or copy thereof, and to words transmitted by telephone, radio, or any method of voice recording.

6. The term “concerning” shall mean referring to, describing, evidencing, pertaining to, consisting of, constituting, reflecting, relating to, or in any way logically or factually connected with the matter discussed.

7. The term “Debtor Reinvestment” means expenditures above 2013 levels intended to (a) improve the performance and infrastructure of the Detroit Police, Fire, EMS, and Transportation Departments, (b) address and remediate

urban blight, (c) modernize information technology systems, or (d) address issues concerning Debtor's electrical grid and lighting.

8. The term "Detroit VEBA" has the meaning ascribed in the Plan.

9. The term "Detroit VEBA Beneficiary" has the meaning ascribed in the Plan.

10. The term "DIA" shall have the meaning ascribed to it in the Plan.

11. The term "DIA Assets" shall have the meaning ascribed to it in the Plan.

12. The term "document" shall be used in the broadest sense and includes, but is not limited to, the following items, whether printed or recorded or reproduced by any other mechanical process, or written or produced by hand, and whether sent or received or neither, and further includes all manner and medium of information recordation, storage, transmission, or retrieval, including, but not limited to (a) typing, handwriting, printing, or any other form of writing or marking on paper or other material; (b) tape recordings, microfilms, microfiche, and photocopies; and (c) any electronic, magnetic, or electromagnetic means of information storage and/or retrieval, including, but not limited to, electronic mail and responsive attachments, optical storage media, computer memory chips, computer tapes, hard disks, compact discs, floppy disks, and any other storage medium used in connection with electronic data processing (together with the

programming instructions and all other material necessary to understand or to use such tapes, disks, or other storage materials) obtained by detection devices, and including preliminary drafts of or marginal notes appearing on any document, however denominated or described.

13. The term “DWSD” shall have the same meaning ascribed to it in the Plan.

14. The phrase “Essential Vendor” means any vendor possessing an “Essential Vendor Claim” that the City agreed to pay, or in fact paid, in full or in part, after the Petition Date.

15. The phrase “Essential Vendor Claim” means any Claim arising prior to, and that remained unpaid as of, the Petition Date for goods or services provided to the City by an Essential Vendor.

16. The phrase “Essential Vendor Contract” means any contract between the City, or any agency thereof in effect during the Pre-Preference Period through the present, and an Essential Vendor or, in the absence of any formal contract with an Essential Vendor, documents reflecting the terms of trade with such Essential Vendor during the Pre-Preference Period through the present.

17. The term “Foundations” shall have the meaning ascribed to it in the Plan.

18. The terms “identity” and “to identify” mean (i) with respect to any natural person, to provide the name, address and telephone number of such person, (ii) with respect to any artificial person, the name, and the address and telephone number of the principal place of business, of such person, and (iii) with respect to a document, identify the author(s), the recipient(s), the date, the title, the form of the document and the subject matter.

19. The term “Medicare” means the federal program of health insurance for the aged and disabled provided for generally by Title XVIII of the Social Security Act, as amended, and codified at 42 U.S.C. §§ 1395 - 1395ccc.

20. The phrase “Medicare-eligible Retirees” means those persons who have retired from employment with the City and hold an OPEB Claim who are eligible to receive Medicare benefits.

21. The phrase “non-Medicare-eligible Retirees” means those persons who have retired from employment with the City and hold an OPEB Claim who are not eligible to receive Medicare benefits for any reason, including, but not limited to, their age.

22. The term “OPEB” means other post-employment benefits, including but not limited to retirement health and death benefits.

23. The phrase “OPEB Claim” has the meaning ascribed in the Plan.

24. The phrase “Outside Funding” has the meaning ascribed in the Plan.

25. The word “person” means any natural or artificial person, including business entities and other legal entities.

26. The term “Plan” or “Amended Plan” means the Amended Plan for Adjustment of Debts of the City of Detroit, Dkt. No. 3380, filed March 31, 2014, including all Exhibits and supplements thereto, and all modifications and amendments thereto.

27. The phrases “related to” or “relating to” shall mean directly or indirectly supporting, evidencing, describing, mentioning, referring to, contradicting, comprising or concerning.

28. The terms “you” and “your” refer to the City.

29. Unless otherwise defined herein, capitalized terms have the meaning ascribed in the Amended Plan.

INSTRUCTIONS

1. The terms “and” and “or” shall be construed conjunctively or disjunctively as necessary to make each particular request inclusive rather than exclusive.

2. The use of the word “including” shall be construed to mean “without limitation.”

3. Reference to the singular in any of these requests shall also include a reference to the plural, and reference to the plural shall include a reference to the singular.

4. In the event that the City asserts any form of objection or privilege as a ground for not answering an interrogatory or any part of an interrogatory, please set forth the legal grounds and facts upon which the objection or privilege is based. If the objection relates to only part of the interrogatory, the balance of the interrogatory should be answered in full.

5. Should you obtain any other documents or information which would supplement or modify the documents or information supplied by you in response to these interrogatories, you are directed, pursuant to Federal Rule of Civil Procedure 26(e), to give timely notice of such documents and information and to furnish the additional documents or information to the Committee without delay.

6. Unless stated otherwise, the time period applicable to the documents called for is from January 1, 2012 through the date of the document requests, subject to the City's ongoing obligation to supplement these responses under the applicable rules.

INTERROGATORIES

1. Identify any entities or individuals other than Christie's with whom the City or any of its agents had any discussions about performing an evaluation,

assessment, or appraisal of the DIA Assets. State when those discussions occurred, the topic of those discussions and whether the entity or individual prepared a report, appraisal, evaluation, assessment, or memorandum, whether in final or draft form, purporting to appraise and/or assess the value of the DIA Assets. Identify any such documents.

2. Identify any entities or individuals with whom the City or any of its agents had any discussions and/or communications about maximizing the value of the DIA Assets. State when those discussions and/or communications occurred and the subject matter of the discussions and/or communications. Identify any documents evidencing such communications.

3. State the persons who (a) prepared the financial projections that appear as Exhibit L to the Amended Disclosure Statement, and (b) have custody over the working papers prepared in connection with such financial projections. Identify such financial projections and working papers.

4. State whether the City intends to submit any transaction that includes the sale of DWSD assets to an electoral vote pursuant to Michigan and/or Detroit law or ordinance. Identify any documents relied upon in responding to this interrogatory.

5. During the first quarter of 2014 (or for the last 3 month period such statistics were compiled), state the average DPD response time for Priority 1 calls.

State the percentage of response times that are under: (a) 5 minutes, (b) 10 minutes, and (c) 15 minutes. Identify any documents relied upon in responding to this interrogatory.

6. State the Detroit Police Department's total budget request for the fiscal year beginning July 1, 2014. State the Detroit Police Department's total budget for the fiscal year beginning July 1, 2015. If the fiscal years begin in January, state the requested amounts for 2014 and 2015. Identify any documents relied upon in responding to this interrogatory.

7. State the Detroit Fire Department's total budget request for the fiscal year beginning July 1, 2014. State the Detroit Fire Department's total budget for the fiscal year beginning July 1, 2015. If the fiscal years begin in January, state the requested amounts for 2014 and 2015. Identify any documents relied upon in responding to this interrogatory.

8. Identify the source of the \$129.3 million amount that the City has requested to initiate and maintain a vehicle fleet replacement program for the Detroit Police Department. Was this amount requested by the Detroit Police Department, and if so, by whom? If not, how did the City arrive at this amount? Identify any documents relied upon in responding to this interrogatory.

9. Identify all conditions placed on funding by the Foundations, and identify any documents evidencing such conditions.

10. Identify all conditions placed on funding by the State of Michigan, and identify any documents evidencing such conditions.
11. Identify all conditions placed on funding by the DIA, and identify any documents evidencing such conditions. Identify all conditions placed on Outside Funding by the City, and identify any documents evidencing such conditions.

Respectfully submitted,

LIPPITT O'KEEFE GORNBEIN, PLLC

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